

under bond conditioned that it might be disposed of as hog feed or for some purpose other than human consumption.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28655. Adulteration and misbranding of Lemon and Lime Mixers. U. S. v. 59 Bottles of Lemon Mixer and 63 Bottles of Lime Mixer. Default decree of condemnation and destruction. (F. & D. No. 40041. Sample Nos. 27118-C, 27119-C.)**

These products were labeled to indicate that they were fruitade bases; whereas they were mixtures of artificially colored, dilute acid solutions and essential oils containing no fruit juices, and they possessed an acidity of about one-fifth of the average acidity of lemon juice. Moreover, the quantity of the contents was not declared in terms of the largest unit nor in terms of liquid measure.

On or about August 9, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 bottles of Lemon Mixer and 63 bottles of Lime Mixer at Bridgeport, Conn., alleging that the articles had been shipped in interstate commerce on or about July 2, 1937, by the Whitehall Food Manufacturing Corporation from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled: "Maison Royal Lemon [or "Lime"] Mixer \* \* \* Royal Bottling Company, Inc., Brooklyn, N. Y."

They were alleged to be adulterated in that imitation lemon or lime juice consisting of an artificially colored, dilute acid solution and essential oil and containing no fruit juice, had been substituted for lemon and lime juices, which they purported to be. They were alleged to be adulterated further in that they were mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements "Lemon" and "Lime," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser since they implied that the articles were lemon juice and lime juice, respectively; in that they were offered for sale under the distinctive names of other articles, lemon juice and lime juice; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated, "25 ounces" or "25 oz.," was not in terms of the largest unit nor in terms of liquid measure.

On November 30, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28656. Misbranding of peanut butter. U. S. v. Frank Harris Murphree (Southland Peanut Products Co.). Plea of guilty. Fine, \$25. (F. & D. No. 39844. Sample No. 31607-C.)**

This product was short weight.

On November 30, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank Harris Murphree, trading as the Southland Peanut Products Co., New Brockton, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 29, 1937, from the State of Alabama into the State of Kentucky of a quantity of peanut butter which was misbranded. The article was labeled in part: "Jackson, Contents 12 ozs. Net When Packed. Peanut Butter \* \* \* Manufactured for A. Wahking & Sons, Louisville, Ky."

It was alleged to be misbranded in that the statement "Contents 12 ozs.," borne on the jar label, was false and misleading since many of the jars contained less than 12 ounces of the article. It was alleged to be misbranded further in that it was food in package form and the true quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 21, 1937, a plea of guilty was entered by the defendant and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28657. Adulteration of canned salmon. U. S. v. 510 Cases of Pink Salmon. Consent decree of condemnation. Property released to claimant under bond. (F. & D. No. 38465. Sample Nos. 23766-C, 23796-C.)**

A portion of this product was decomposed.

On October 26, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 510 cases of canned